

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
THE GUARDIAN NEWS, INC.,

Plaintiff,

-against-

VILLAGE OF ELMSFORD, New York,

Defendant.
-----X

ANSWER

Docket No.
07 Civ. 5716 (CLB)

Defendant, by its attorneys, MIRANDA SOKOLOFF SAMBURSKY SLONE
VERVENIOTIS LLP, as and for its answer to the complaint in the above-captioned matter, sets forth
as follows:

1. Denies the allegations contained in ¶ “1” of the complaint, and refers all questions of
law to the Court for adjudication.
2. Denies the allegations contained in ¶ “2” of the complaint, and refers all questions of
law to the Court for adjudication.
3. Denies knowledge or information sufficient to form a belief as to the allegations
contained in ¶ “3” of the complaint.
4. Denies the allegations contained in ¶ “4” of the complaint, and refers all questions of
law to the Court for adjudication.

**AS AND FOR A RESPONSE TO
PLAINTIFF’S FIRST CLAIM**

5. As and for a response to the allegations contained in ¶ “5” of the complaint, defendant
repeats and realleges its responses to the allegations contained in ¶¶ “1” through “4” of the
complaint, as though fully set forth herein.

6. Denies the allegations contained in ¶ “6” of the complaint, and refers all questions of law to the Court for adjudication.

**AS AND FOR A RESPONSE TO
PLAINTIFF’S SECOND CLAIM**

7. As and for a response to the allegations contained in ¶ “7” of the complaint, defendant repeats and realleges its responses to the allegations contained in ¶¶ “1” through “6” of the complaint, as though fully set forth herein.

8. Denies the allegations contained in ¶ “8” of the complaint, and refers all questions of law to the Court for adjudication.

**AS AND FOR A RESPONSE TO
PLAINTIFF’S THIRD CLAIM**

9. As and for a response to the allegations contained in ¶ “9” of the complaint, defendant repeats and realleges its responses to the allegations contained in ¶¶ “1” through “8” of the complaint, as though they were fully set forth herein.

10. Denies the allegations contained in ¶ “10” of the complaint, and refers all questions of law to the Court for adjudication.

FIRST AFFIRMATIVE DEFENSE

11. Plaintiff’s complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

12. Plaintiff’s complaint is barred by the statute of limitations.

THIRD AFFIRMATIVE DEFENSE

13. Plaintiff’s constitutional rights were not deprived pursuant to a policy, practice, custom, or procedure of the Village of Elmsford.

FOURTH AFFIRMATIVE DEFENSE

14. Plaintiff lacks standing.

FIFTH AFFIRMATIVE DEFENSE

15. This case, in whole or in part, is not ripe.

SIXTH AFFIRMATIVE DEFENSE

16. This case, in whole or in part, does not present a case or controversy.

SEVENTH AFFIRMATIVE DEFENSE

17. The challenged legislation represents a reasonable time, place, and manner regulation.

EIGHTH AFFIRMATIVE DEFENSE

18. Plaintiff cannot identify any similarly situated persons or entities who are treated more favorably under the challenged legislation.

NINTH AFFIRMATIVE DEFENSE

19. Plaintiff may not recover punitive damages against a municipality.

Dated: Mineola, New York
July 9, 2007

MIRANDA SOKOLOFF SAMBURSKY
SLONE VERVENIOTIS LLP
Attorneys for Defendant

By: 

BRIAN S. SOKOLOFF (BSS-7147)
ADAM I. KLEINBERG (AIK-0468)
240 Mineola Boulevard
The Esposito Building
Mineola, New York 11501
(516) 741-7676
Our File No. 07-446

TO: Jonathan Lovett, Esq.
LOVETT & GOULD, LLP
Attorneys for Plaintiff

222 Bloomingdale Road
White Plains, NY 10605
(914) 428-8401